

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Timothy Wilder,

Plaintiff,

v.

T.J. Joye, Florence County Sheriff; Deputy
Tyrone Porter; Deputy Brooks Urquhart;
Deputy Paul Morrison; Darral Cox; and
Hunter Cox,

Defendants.

C/A No. 4:22-cv-4674-SAL

ORDER

Plaintiff Timothy Wilder filed this action in state court on August 23, 2022, asserting claims under 42 U.S.C. § 1983 and state law. ECF No. 1-1. Defendants removed the case on December 27, 2022. ECF No. 1. This matter is now before the court on the report and recommendation of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), which recommends dismissal with prejudice for lack of prosecution. ECF No. 85. No party filed objections to the report, and the time for doing so has expired.

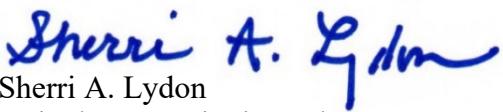
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 85, and incorporates it by reference herein. As a result, Defendants’ motions to dismiss for lack of prosecution, ECF Nos. 74, 78, are **GRANTED** and this action is **DISMISSED with prejudice**.

IT IS SO ORDERED.

February 10, 2025
Columbia, South Carolina


Sherri A. Lydon
United States District Judge